

SENATE

COMMERCE, LABOR & AGRICULTURE COMMITTEE CALENDAR

WEDNESDAY, APRIL 15, 2009

11:00 A.M. - LEGISLATIVE PLAZA ROOM 12

COMMITTEE MEMBERS:

STANLEY (R) CHAIRMAN
BUNCH (R) VICE CHAIRMAN
BURKS (D) SECRETARY

BEAVERS (R)
BURCHETT (R)
JOHNSON (R)

KETRON (R)
STEWART (D)
TATE (D)

BUDGET PRESENTATIONS

DEPARTMENT OF COMMERCE AND INSURANCE
DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT
DEPARTMENT OF FINANCIAL INSTITUTIONS

Through suspension of the rules, the following bill was added during session on 4/09/09 to the Commerce, Labor & Agriculture Committee Calendar:

1. *SB 0812 by *Overbey (HB 1278 by *Stewart)
Consumer Protection – As introduced, enacts the “Uniform Debt Management Services Act.” – Amends TCA Title 47.

WORKER’S COMPENSATION CALENDAR

2. *SB 1364 by *Johnson (HB 1993 by *Sargent)
Insurance Companies, Agents, Brokers, Policies – As introduced, allows trade association that has an agreement with pool participants for liability insurance to operate by constitution, bylaws, or an operating agreement. – Amends TCA Title 50.

3. SB 2055 by *Barnes (*HB 1899 by *Pitts)

Workers Compensation – As introduced, changes the effective date of Chapter 1041 of the Public Acts of 2008 from December 31, 2009, to July 1, 2012. – Amends Chapter 1041 of the Public Acts of 2008.

4. SB 2299 by *Kyle (*HB 2268 by *Moore, Turner M)

Workers Compensation – As introduced, authorizes the commissioner of labor and workforce development to establish a guaranty fund for certain employers that self-insure; creates the “Tennessee self-insurers guaranty fund association”; revises other provisions relative to workers’ compensation and self-insuring employers. – Amends TCA Title 50, Chapter 6, Section 405, and Title 56, Chapter 4.

5. SB 1500 by *McNally (*HB 1229 by *Fitzhugh)

Workers Compensation – As introduced, excludes from workers’ compensation injuries that occur during recreational activities, are not required by the employer, and do not directly benefit the employer. – Amends TCA Section 50-6-110.

6. *SB 1909 by *Norris (HB 1500 by *Fitzhugh, Casada)

Workers Compensation – As introduced, adds additional injuries that are not covered by workers’ compensation. – Amends TCA Section 50-6-110.

7. *SB 1524 by *Burchett (HB 1604 by *Brooks H)

Workers Compensation – As introduced, changes standard for denying workers’ compensation benefits in cases involving alcohol and drug use from such use being a proximate cause of the injury or death to such use being a contributing cause of such injury or death. – Amends TCA Section 50-6-110.

8. *SB 1574 by *Norris (HB 1472 by *Casada)

Workers Compensation – As introduced, decreases amount of civil penalty commissioner of commerce and insurance may assess to insurance companies for failure to submit modification factors or rates from \$2,000 per incident to \$1,000 per incident. – Amends TCA Title 50 and Title 56.

9. *SB 0430 by *Bunch (HB 1574 by *West)

Workers Compensation – As introduced, defines the AMA guide for impairment ratings to mean the 5th edition of the Guides, instead of either the 6th edition or any new edition that is designated by the general assembly. – Amends TCA Title 50, Chapter 6.

10. *SB 1567 by *Norris (HB 1471 by *Casada)

Workers Compensation – As introduced, requires the AOC to consult with the joint legislative workers' compensation committee when developing education programs related to workers' compensation for the annual meeting. – Amends TCA Title 50 and Title 56.

11. SB 2000 by *Haynes (*HB 1777 by *Hackworth)

Workers Compensation – As introduced, requires the Advisory Council on Workers' Compensation to report to the oversight committee on workers' compensation and commerce committees concerning rules promulgated by the department of labor and workforce development relative to medical impairment ratings. – Amends TCA Title 50 and Title 56.

12. *SB 2001 by *Haynes (HB 1776 by *Moore)

Workers Compensation – As introduced, revises reporting dates for certain specified reports related to workers' compensation to January 1 of each year. – Amends TCA Title 50 and Title 56.

13. SB 2162 by *Tracy (*HB 1963 by *Sargent)

Workers Compensation – As introduced, imposes certain penalties on employers and employees in certain cases involving employees not authorized to work in the U.S. under federal immigration laws. – Amends TCA Title 50, Chapter 6 and Title 56.

14. SB 2231 by *Southerland (*HB 2102 by *Sargent)

Workers Compensation – As introduced, provides that illegal immigrants receive lesser workers' compensation benefits unless it is demonstrated that the employer had actual knowledge that the worker was an illegal immigrant at the time of being hired. – Amends TCA Title 50, Chapter 6 and Title 56.

15. SB 1297 by *Crowe (*HB 0857 by *Mumpower, Turner M)

Workers Compensation – As introduced, imposes various requirements on contracting agents who sell, lease, assign, transfer, or convey their lists of contracted health care providers and their contracted reimbursement rate; applies under the Workers' Compensation Law. – Amends TCA Section 50-6-204.

16. SB 1680 by *Ketron (*HB 1192 by *Mumpower)

Workers Compensation – As introduced, requires that certain fees paid after January 1, 2010, involving PPO networks meet certain requirements. – Amends TCA Section 50-6-204.

17. *SB 1924 by *Barnes (HB 1839 by *Pitts, Todd)

Workers Compensation – As introduced, requires that the three physician members of the medical care and cost containment committee represent different specialty practice areas. – Amends TCA Title 50, Chapter 6.

18. SB 0607 by *Finney L (*HB 0461 by *Odom, Jones S)

Workers Compensation – As introduced, increases the number of nonvoting members on the advisory council on workers' compensation from seven to eight; adds a person nominated by the Tennessee Chiropractic Association. – Amends TCA Section 50-6-121.

REGULAR CALENDAR

19. *SB 1952 by *Tate (HB 1846 by *Miller L)

Economic and Community Development - As introduced, requires the state treasurer to submit a written report each year concerning the assistance program for small and minority-owned businesses and the small and minority-owned business assistance program fund. - Amends TCA Section 65-5-113.

20. *SB 1180 by *Tracy (HB 1438 by *Sargent)

Commerce and Insurance, Dept. of - As introduced, requires the commissioner of commerce and insurance to approve the assigned risk plan or plans and allows insurance companies to employ persons to handle claims and other duties required by the assigned risk plan. - Amends TCA Title 55, Chapter 12, Part 1.

21. *SB 1201 by *Tracy (HB 1760 by *Curtiss, Harwell, Matheny, Rowland, Shepard, Lynn, McDaniel, Casada, Lundberg, Eldridge, Litz, Sargent, Hawk, McCormick, Hensley, McManus, Cobb C, Bone, Shaw, Stewart)

Unemployment Compensation - As introduced, revises benefit provisions concerning seeking work, dishonesty and absenteeism, and also revises hearing procedures, and penalties for fraud. - Amends TCA Title 50, Chapter 7.

22. SB 1311 by *Tracy (*HB 1355 by *Carr)

Employees, Employers - As introduced, conforms Tennessee's law relative to drug-free workplace testing to U.S. department of transportation rules pertaining to workplace drug and alcohol testing. - Amends TCA Section 50-9-105.

23. SB 1326 by *Berke (*HB 1309 by *Harmon)

Funeral Directors and Embalmers - As introduced, creates procedure for funeral directors and embalmers to place license on inactive status. - Amends TCA Title 62, Chapter 5, Part 3.

24. *SB 1215 by *Black (HB 1962 by *Johnson P)

Tobacco, Tobacco Products - As introduced, modifies various provisions within the Prevention of Youth Access to Tobacco Act. - Amends TCA Title 39, Chapter 17, Part 15.

25. SB 1138 by *Faulk (*HB 0721 by *Niceley)

Agriculture - As introduced, authorizes the state to support a voluntary animal identification program; prohibits the department of agriculture from forcing national animal identification premises registration without specific statutory authorization from the general assembly. - Amends TCA Title 44, Chapter 7.

26. SB 1896 by *Faulk (*HB 0717 by *Niceley)

Food and Food Products - As introduced, requires bottled water containers manufactured in this state and sold here to state whether such bottles contain added fluoride; exempts bottled water not sold for human consumption from labeling requirements. - Amends TCA Title 47, Chapter 18, Part 1 and Title 53, Chapter 1, Part 1.

27. *SB 1898 by *Faulk (HB 1428 by *Niceley)

Agriculture, Dept. of - As introduced, requires commissioner of agriculture to post and keep current on the department's web site statistics and other information relative to Tennessee's equine industry compiled by the department. - Amends TCA Title 43, Chapter 1; Title 44 and Title 53, Chapter 7.

28. *SB 1923 by *Faulk (HB 1427 by *Niceley)

Agriculture - As introduced, enacts the "Tennessee Small Farm Economic Revitalization Act." - Amends TCA Title 43; Title 44 and Title 53.

29. *SB 1456 by *Haynes (HB 1688 by *Moore)

Insurance Companies, Agents, Brokers, Policies - As introduced, provides that any insurance company formed as a successor in interest shall not receive a reduction in its apportionment ratio for property tax purposes if the previous company already received such reduction. - Amends TCA Title 67, Chapter 5, Part 12.

30. SB 1439 by *Haynes (*HB 0472 by *Cobb C, Gilmore)

Safety - As introduced, requires the board of alarms systems contractors to conduct a contested case hearing pursuant to the UAPA when denying an application for license or registration. - Amends TCA Title 62, Chapter 32.

31. SB 2147 by *Haynes, Stewart (*HB 2117 by *Curtiss)

Tennessee Regulatory Authority - As introduced, empowers the authority to take any actions necessary to implement and administer the universal service program support mechanism fund.

- Amends TCA Title 65, Chapter 5.

32. SB 2315 by *Kyle, Henry (*HB 2324 by *Curtiss, Turner M)

Unemployment Compensation - As introduced, revises the penalties and punishments imposed on any person or employing unit that knowingly violates or attempts to violate the provisions governing experience ratings for employers, or knowingly advises another person or employing unit to violate the provisions. - Amends TCA Title 50, Chapter 7 and Title 62, Chapter 43.

33. *SB 0403 by *Henry (HB 0529 by *Hackworth)

Business and Commerce - As introduced, extends the joint select committee to study business taxes from June 30, 2009, until June 30, 2013. - Amends TCA Title 3, Chapter 15, Part 6.

34. *SB 1762 by *Herron (HB 2231 by *Fitzhugh)

Loan Companies - As introduced, requires deferred presentment licensees to charge no more than 28 percent annual interest rate and to report the annual profits and employees' total compensation to the commissioner of financial institutions. - Amends TCA Title 45 and Title 47.

35. SB 1767 by *Herron (*HB 0981 by *McDaniel)

Insurance Companies, Agents, Brokers, Policies - As introduced, increases from \$100,000 to \$250,000 the maximum obligation of the Tennessee insurance guaranty association for any covered claim except workers' compensation claim. - Amends TCA Title 56, Chapter 12.

36. *SB 1763 by *Herron (HB 2218 by *Gilmore)

Consumer Protection - As introduced, makes it an unfair or deceptive act under the Consumer Protection Act to engage in foreclosure-related rescue consultant services for a fee under certain circumstances. - Amends TCA Title 45 and Title 47.

37. *SB 0258 by *Jackson, Ketron (HB 0386 by *Sontany, Maggart, Fincher, McManus, Turner M, Shepard, Sargent, Stewart)

Animals and Animal Cruelty - As introduced, enacts the "Commercial Breeder Act." - Amends TCA Title 47, Chapter 18, Part 1; Title 39, Chapter 14, Part 2; and Title 44, Chapter 17.

38. *SB 1672 by *Kyle (HB 1888 by *Turner L, Miller L, Cooper B, Towns, Jones U)

Funeral Directors and Embalmers - As introduced, extends licensure period from two to four years; authorizes executive director of board of funeral directors and embalmers to grant application for license renewal or reinstatement received beyond the prescribed expiration date upon a finding that a licensee was not aware of the receipt of such written notice due to illness. - Amends TCA Title 62, Chapter 5.

39. SB 2189 by *Kyle (*HB 2158 by *Turner L, Armstrong, Cooper B)

Funeral Directors and Embalmers - As introduced, requires continuing education for all licensees; establishes inactive status for funeral directors and embalmers. - Amends TCA Title 62, Chapter 5, Part 6.

40. SB 2284 by *Kyle (*HB 2296 by *Gilmore, Turner M)

Insurance, Life - As introduced, enacts the "Tennessee Viatical Settlement Act of 2009." - Amends TCA Title 56, Chapter 50.

41. *SB 1755 by *Marrero B (HB 1585 by *Curtiss)

Hospitals and Health Care Facilities - As introduced, establishes certain debt collection standards for hospitals; requires certain disclosures of hospitals; establishes new unfair practices for hospitals under the Consumer Protection Act. - Amends TCA Title 47, Chapter 18 and Title 68.

42. *SB 1204 by *Overbey (HB 2367 by *Stewart)

Insurance, Health, Accident - As introduced, establishes requirements for insurers and patients to reimburse anatomic pathology services. - Amends TCA Title 56 and Title 63.

43. *SB 0774 by *Overbey (HB 1110 by *Shepard)

Pharmacy, Pharmacists - As introduced, imposes a methodology and disclosure duties on health insurance entities and pharmacy benefits managers concerning calculation of out-of-pocket costs for prescription drugs. - Amends TCA Title 56.

44. *SB 1717 by *Overbey (HB 1661 by *Armstrong)

Insurance, Health, Accident - As introduced, requires health insurance entities to use a uniform health care provider credentialing application based on the application established by the Council on Affordable Quality Healthcare. - Amends TCA Title 56.

45. *SB 1710 by *Overbey (HB 1937 by *Coleman, McManus, Shepard, Montgomery)

Securities - As introduced, clarifies that any difference in voting, dividend, liquidation, conversion, preference, or redemption rights constitutes a different class of stock as compared to other securities issued by a corporation. - Amends TCA Section 48-16-101.

46. *SB 1627 by *Beavers (HB 1589 by *Curtiss)

Insurance Companies, Agents, Brokers, Policies - As introduced, clarifies that any insurer must honor any assignment of benefits made by the insured to any health care provider covered under title 63. - Amends TCA Title 56, Chapter 7, Part 1.

47. *SB 0199 by *Bunch (HB 0371 by *Casada)

Sports - As introduced, requires the Tennessee Athletic Commission to equitably allocate over the course of a year its approvals of competitions in arenas seating 10,000 or more among the grand divisions of the state. - Amends TCA Title 68, Chapter 115.

48. *SB 1278 by *Bunch (HB 1555 by *Hackworth)

Mobile Homes and Manufactured Buildings - As introduced, requires an affidavit of affixation for manufactured homes attached to real property to be a separate document. - Amends TCA Section 55-3-138.

49. *SB 1276 by *Bunch (HB 1957 by *Tindell, Jones U, Todd, Miller L)

Municipal Government - As introduced, provides that any municipal electric system that provides cable or Internet services shall be subject to regulation by the Tennessee regulatory authority. - Amends TCA Title 7, Chapter 52, Part 6.

50. SB 0913 by *Burks (*HB 0218 by *Fincher, Hardaway, Hackworth, Dean)

Criminal Offenses - As introduced, requires certain actions by buyers and dealers of scrap jewelry and metal and makes a violation of such requirements a Class A misdemeanor. - Amends TCA Title 38, Chapter 1, Part 2.

51. SB 2218 by *Burchett (*HB 2362 by *McCord)

Sports - As introduced, specifies duties of administrator of the Tennessee athletic commission; prescribes term of administrator; provides that members of commission who miss three consecutive meetings can be removed for cause. - Amends TCA Title 68, Chapter 115, Part 1.

52. *SB 1508 by *Burchett (HB 1743 by *Fitzhugh, Montgomery)

Public Utilities - As introduced, requires all public utilities to allow telecommunications service providers and cable operators to make pole attachments subject to reasonable fees. - Amends TCA Title 65.

53. SB 2075 by *Burchett (*HB 1938 by *Matheny)

Junk Dealers and Junkyards - As introduced, decreases penalty for Class A misdemeanor offense of unlawful sale of air conditioner evaporator coil or condenser to a Class C fine only misdemeanor if the defendant is certified to repair and install HVAC equipment. - Amends TCA Title 62, Chapter 9.

54. SB 0915 by *Burks (*HB 0358 by *Bone)

Veterinarians - As introduced, establishes incentive award program for veterinarians, to be known as "Tennessee Rural Veterinary Services Program." - Amends TCA Title 49, Chapter 4; Title 49, Chapter 9 and Title 63, Chapter 12.

55. *SB 0991 by *Burks (HB 2098 by *Towns)

Food and Food Products - As introduced, enacts the "Genetically Engineered Food Labeling Act of 2009." - Amends TCA Title 47, Chapter 18, Part 1 and Title 53, Chapter 1.

56. SB 2063 by *Burks (*HB 1930 by *Bone)

Food and Food Products - As introduced, clarifies that certain homemade foods may be sold at farmers' markets; exempts preparer and seller of such foods from certain food regulations. - Amends TCA Title 53.

57. *SB 0472 by *Johnson (HB 0664 by *Sargent)

Corporations, For Profit - As introduced, authorizes the formation of low-profit limited liability companies. - Amends TCA Title 48.

58. SB 1375 by *Johnson, Norris, Harper, Henry, Ketron (*HB 1349 by *Sargent, Brooks K, Casada, Sontany, Johnson P)

Utilities, Utility Districts - As introduced, enacts the "Natural Gas Conservation and Annual Rate Review Act." - Amends TCA Title 65, Chapter 5.

59. *SB 1384 by *Johnson (HB 1594 by *Lynn)

Professions and Occupations - As introduced, removes the net worth requirement from an employee leasing application for license. - Amends TCA Title 62, Chapter 43.

60. *SB 1385 by *Johnson (HB 1595 by *Lynn)

Employees, Employers - As introduced, provides that the general assembly supports the premise that employees have the right to privately decide whether or not to elect union representation. - Amends TCA Title 50.

61. SB 1387 by *Johnson (*HB 1375 by *Johnson P)

Professions and Occupations - As introduced, requires persons appointed to the Tennessee home inspection advisory committee to be licensed home inspectors and requires the appointments to be from specific associations of home inspectors. - Amends TCA Section 62-6-303.

62. *SB 1919 by *Johnson (HB 1468 by *Shepard)

Planning, Public - As introduced, incorporates the use of green building design, sustainable infrastructure, and energy efficiency technologies into the powers authorities are authorized to exercise for redevelopment projects. - Amends TCA Section 13-20-202.

63. *SB 0273 by *Ketron (HB 0381 by *Sargent)

Commerce and Insurance, Dept. of - As introduced, allows commissioner to initiate investigation under the Tennessee Insurance Producer Licensing Act of 2002 upon receiving a written complaint from a member of the public or determination by commissioner that "good cause" exists that a violation occurred. - Amends TCA Title 56, Chapter 6 and Title 56, Chapter 8.

64. *SB 1745 by *Ketron (HB 1648 by *Jones U)

Labor and Workforce Development, Dept. of - As introduced, directs the department to establish the "We Want To Learn English Initiative." - Amends TCA Title 4, Chapter 3, Part 14 and Title 49.

65. SB 0224 by *Stanley (*HB 0151 by *Hensley)

Food and Food Products - As introduced, requires both hot and cold water in sinks provided for food service employees.
- Amends TCA Title 53.

66. *SB 1099 by *Stewart (HB 1352 by *Matheny)

Utilities, Utility Districts - As introduced, authorizes municipal electric systems to expand provision of broadband services. - Amends TCA Title 7, Chapter 52.